

**Docket No. UE-210795 - Vol. I**

**In the Matter of Puget Sound Energy's Clean Energy  
Implementation Plan**

**May 9, 2022**



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of ) DOCKET UE-210795
)
PUGET SOUND ENERGY )
)
Clean Energy Implementation )
Plan Pursuant to WAC )
480-100-640 )
)

VIRTUAL PREHEARING CONFERENCE, VOLUME I
Pages 1-35
ADMINISTRATIVE LAW JUDGE MICHAEL HOWARD

May 9, 2022

9:30 a.m.

Washington Utilities and Transportation Commission
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LACEY, WASHINGTON; MAY 9, 2022
9:30 A.M.

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P R O C E E D I N G S

JUDGE HOWARD: Let's be on the record. Good morning. We're here today for a prehearing conference in Docket UE-210795. This case is captioned In the Matter of Puget Sound Energy Clean Energy Implementation Plan Pursuant to WAC 480-100-640.

This is an adjudicatory proceeding regarding PSE's first Clean Energy Implementation Plan, or CEIP.

My name is Michael Howard, and I'm an administrative law judge with the Commission, and I will be co-presiding in this matter along with the Commissioners. The Commissioners will not be joining us at this particular prehearing conference.

Because we may have some interested members of the public on the call, I want to explain the purpose of our conference today.

This is a meeting for the parties to the case, which would include the Company, Staff, Public Counsel, and other intervenors. The parties and I will be planning for a proceeding that is like a trial in court and will be discussing various procedural issues

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1 around that.  
 2 This meeting is not necessarily intended for  
 3 hearing comments from the public. If you would wish to  
 4 provide comments, you may file written comments through  
 5 the Commission's website or you may attend the public  
 6 comment hearing that will be in the next few months.  
 7 The Commissioners will be at that public comment hearing  
 8 and will be able to consider your remarks then.  
 9 So with that explanation in mind, let's  
 10 start by taking appearances, beginning with Puget Sound  
 11 Energy.  
 12 MS. BARNETT: Thank you, Your Honor. Donna  
 13 Barnett. My pronouns are she/her, and I'm with Perkins  
 14 Coie, representing Puget Sound Energy. And with me is  
 15 Sheree Carson.  
 16 JUDGE HOWARD: Thank you.  
 17 And could we have an appearance for Staff?  
 18 MR. CALLAGHAN: Thank you, Your Honor. Nash  
 19 Callaghan, Assistant Attorney General, on behalf of  
 20 Commission Staff. My pronouns are he/him. Thank you.  
 21 JUDGE HOWARD: Thank you.  
 22 Could we have an appearance for Public  
 23 Counsel?  
 24 MS. SUETAKE: Good morning, Your Honor. My  
 25 name is Nina Suetake, Assistant Attorney General, for

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1 Public Counsel Unit, and my pronouns are she/her.  
 2 JUDGE HOWARD: Thank you.  
 3 Could we have an appearance for AWEC,  
 4 Alliance of Western Energy Consumers?  
 5 MS. MOSER: Good morning, Your Honor.  
 6 Sommer Moser, with Davison Van Cleve, appearing on  
 7 behalf of AWEC, and my pronouns are she/her.  
 8 JUDGE HOWARD: Thank you.  
 9 Could we have an appearance for The Energy  
 10 Project?  
 11 MR. FFITCH: Good morning, Your Honor.  
 12 Simon ffitich, on behalf of The Energy Project.  
 13 JUDGE HOWARD: Thank you.  
 14 Could we have an appearance for NWEC and  
 15 Front and Centered?  
 16 MS. GOODIN: Good morning, Your Honor.  
 17 Amanda Goodin, with Earthjustice, appearing on behalf of  
 18 Front and Centered and the Northwest Energy Coalition.  
 19 And Molly Tack-Hooper, also with Earthjustice, is with  
 20 me as well. My pronouns are she/her.  
 21 JUDGE HOWARD: Thank you.  
 22 Could we have an appearance for Renewable  
 23 Northwest?  
 24 MS. WARE: This is Katie Ware, appearing on  
 25 behalf of Renewable Northwest.

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1 JUDGE HOWARD: Thank you.  
 2 Are there any other organizations on the  
 3 call that would like to give a verbal notice of  
 4 appearance here?  
 5 All right. Hearing none, let's turn to the  
 6 petitions for intervention. Are there any petitions for  
 7 intervention other than the ones that have been filed in  
 8 writing in this docket so far?  
 9 All right. Hearing none, we have received  
 10 four petitions to intervene for the following five  
 11 organizations: AWEC, The Energy Project, Renewable  
 12 Northwest, NWEAC, and Front and Centered. NWEAC and Front  
 13 and Centered being represented by the same counsel.  
 14 Are there any objections to the written  
 15 petitions for intervention?  
 16 MR. CALLAGHAN: No objections from Staff,  
 17 Your Honor.  
 18 JUDGE HOWARD: Thank you.  
 19 Does any other party wish to indicate an  
 20 objection?  
 21 All right. Hearing none -- hearing none, it  
 22 is -- I will be granting the written petitions to  
 23 intervene filed in this docket so far, and I will be  
 24 addressing this further in the prehearing conference  
 25 order.

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1 So next, turning to the issue of the  
 2 procedural schedule, before the conference today, I  
 3 emailed the parties, suggesting possible dates for the  
 4 hearing. I indicated that the Commission could hold the  
 5 hearing over two days, on January 31st, 2023, and  
 6 February 1st, 2023.  
 7 The parties shared some proposed schedules  
 8 over email over the last couple of days. It looks like  
 9 the parties may still need to discuss and see if they  
 10 can stipulate to a single proposed schedule.  
 11 I would ask the parties to keep those two  
 12 hearing dates in mind, given the constraints on the  
 13 Commission with the two pending general rate cases  
 14 proceeding at the same time.  
 15 And I did note that the parties referred to  
 16 the possibility of having a settlement hearing on the  
 17 calendar earlier on the schedule than the normal  
 18 evidentiary hearing that would -- that would be towards  
 19 the end of the schedule in this proceeding.  
 20 And I have suggested this in past cases, and  
 21 I believe it could be useful in this docket, but at the  
 22 present moment, it is difficult to find an acceptable  
 23 date for settlement hearing because of the two general  
 24 rate cases that are pending, which I just mentioned.  
 25 It may be possible to hold a settlement

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1 hearing in this docket on October 24th and 25th, 2022.  
 2 That could be something for the parties to consider if  
 3 that would work with the schedule as a possibility, but  
 4 I would have to confirm that works for the Commission.  
 5 I also want to note that the Commission was  
 6 interested in having the Company file a crosswalk before  
 7 the hearing in this docket that addressed and reconciled  
 8 this Commission's findings in general rate case final  
 9 order with the testimony of filings in the CEIP docket.  
 10 I did not see that addressed specifically in  
 11 the emails. Were there any concerns from the Company  
 12 with -- with such a suggestion?  
 13 MS. BARNETT: Thank you, Your Honor. No  
 14 concerns theor- -- you know, theoretically with it.  
 15 It's just I don't think it's going to be as useful or  
 16 helpful as -- as we think.  
 17 I don't think there's going to be much from  
 18 the rate case that we're going to be able to use in the  
 19 CEIP coming out of that. And I think it would kind of  
 20 artificially have some expectation around it that I  
 21 don't think is going to be realized.  
 22 So we don't see that it's going to be a  
 23 benefit in this case to put something on the schedule to  
 24 be waiting for something that probably won't be as  
 25 helpful as some people think.

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1 JUDGE HOWARD: That's a fair point to  
 2 consider.  
 3 Would any other party like to speak to this  
 4 issue?  
 5 MS. SUETAKE: This is Nina Suetake from  
 6 Public Counsel Unit. I guess I'm not entirely sure what  
 7 you mean by a "crosswalk." Do you just mean what parts  
 8 in the decision would affect the CEIP? If you could  
 9 give an explanation, that'd be helpful.  
 10 JUDGE HOWARD: Yes. And we have -- we have  
 11 done this in some past cases. It's not something that  
 12 we do on a regular basis. But it would be asking the  
 13 Company -- or directing the Company in the schedule to  
 14 file this crosswalk document, showing how the various  
 15 findings in the general rate case order that are  
 16 relevant to the CEIP docket have -- have been accounted  
 17 for or how they impact the testimony that's been offered  
 18 so far in this case.  
 19 So as Barnett just offered, there --  
 20 there -- there -- there may be a number of findings in  
 21 the general rate case that do not directly apply to the  
 22 CEIP docket, but we still do believe it could be helpful  
 23 in case there are findings in the general rate case  
 24 final order that impact things like the interim targets  
 25 or the customer benefit indicators or any of the other

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1 issues in this case in -- in any way.  
 2 MS. SUETAKE: Thank you for that  
 3 explanation. I would personally find it useful, and I  
 4 think all the parties wouldn't object to that. I mean,  
 5 if there are no -- it turns out there are no findings,  
 6 that makes sense that they wouldn't have to file  
 7 something, but I think we should just leave that up  
 8 until the time.  
 9 JUDGE HOWARD: All right. Thank you.  
 10 Would any other party like to comment on  
 11 that particular issue?  
 12 MS. GOODIN: Judge Howard, this is Amanda  
 13 Goodin, with Earthjustice. I -- I would just flag, I  
 14 believe in your email you mentioned the possibility of  
 15 having the RFP rules incorporated as part of this  
 16 crosswalk, and I know the Company has said they will not  
 17 be able to do that. I believe in the rate case, they've  
 18 noted that they plan to file a power cost adjustment or  
 19 power cost case that incorporate those results.  
 20 So to the extent that some of the hearing  
 21 date is driven by a desire to wait for that, we think  
 22 that it doesn't make sense to wait for something that's  
 23 going to be the subject of a separate case and that we  
 24 won't have likely anyways.  
 25 JUDGE HOWARD: Thank you. I think that --

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1 that does -- that does raise the other issue of  
 2 incorporating the RFP results in the CEIP docket. Our  
 3 suggestion for the crosswalk was not specifically  
 4 concerned with the RFP results, and -- and the timing  
 5 that we're proposing for the evidentiary hearing is not  
 6 tied to the RFP results.  
 7 But I imagine it could be helpful to this  
 8 proceeding to incorporate them, but I did receive  
 9 Barnett's email, explaining that that might not be  
 10 feasible due to the timing.  
 11 Would any other party like to comment on the  
 12 issue of incorporating the RFP results, because  
 13 otherwise, it seems that we're kind of setting that  
 14 suggestion aside, as far as incorporating it in this  
 15 docket?  
 16 All right. Hearing none, I -- those were my  
 17 comments and suggestions for the parties to consider.  
 18 Have the parties -- since the email  
 19 exchange, have the parties agreed and conferred on a  
 20 schedule or would it be helpful to go off the record and  
 21 the parties confer amongst themselves?  
 22 MS. BARNETT: Your Honor, I don't have any  
 23 objection to going off the record and conferring. We  
 24 have, though, talked informally with the parties for  
 25 several weeks and months regarding a schedule for the

1 CEIP and getting that resolved. So I don't think it  
 2 would be beneficial to go off the record this time.  
 3 I think it's better that -- you know, we've  
 4 proposed a schedule that -- and Staff has proposed a  
 5 general -- a schedule with some general dates. So I  
 6 don't know if we're going to be able to get much closer  
 7 than that.  
 8 I would, again, like to just go back to any  
 9 idea of -- we do still have the appeal for the  
 10 consolidation order pending. And so any links to the  
 11 general rate case, I'd like to -- you know, right now  
 12 they are separated, of course.  
 13 And so regarding any schedule that links the  
 14 CEIP to the rate case, I'd like to, you know, again  
 15 caution that, that I don't want to get into the -- get  
 16 into the CEIP schedule and have people just say, well,  
 17 we don't -- we're not ready to talk about that. We're  
 18 not ready to settle because we want to wait and see what  
 19 happens in the rate case.  
 20 So that's kind of PSE's concerns and why  
 21 we've proposed a schedule that ends the CEIP by the end  
 22 of the year, which is extremely important to PSE.  
 23 And so with that, I don't know what -- what  
 24 more we're going to be able to -- what resolution we're  
 25 going to be able to reach if we just go off the record

1 MR. CALLAGHAN: Okay. Yes, Your Honor. So  
 2 Staff, I was able to speak with Ms. Barnett, but I  
 3 haven't been able to speak to the other stakeholders.  
 4 So I believe it would be helpful to go offline briefly  
 5 and discuss.  
 6 JUDGE HOWARD: All right. Does any other  
 7 party want to raise any concerns before we go off the  
 8 record for a break for the parties to discuss this issue  
 9 amongst themselves?  
 10 All right. I'm not hearing any concerns.  
 11 Let's go off the record. We are off the record.  
 12 (A break was taken from  
 13 9:47 a.m. to 10:40 a.m.)  
 14 JUDGE HOWARD: Let's be back on record.  
 15 We're coming back after a brief break -- recess for the  
 16 parties to discuss the schedule.  
 17 As I understand, Staff has a proposed  
 18 schedule, but there wasn't complete agreement from the  
 19 parties.  
 20 So, Mr. Callaghan, would you like to present  
 21 Staff's proposed schedule and describe the support as it  
 22 is for the schedule from the other parties?  
 23 MR. CALLAGHAN: Thank you, Your Honor. I  
 24 will do my best.  
 25 So after discussion with the other parties,

1 right now, but I'm certainly happy to.  
 2 JUDGE HOWARD: Well, I can appreciate that  
 3 there are different -- there are competing interests at  
 4 stake. This isn't an easy question to answer, and the  
 5 Company is seeking review of that order denying  
 6 consolidation.  
 7 I don't -- I don't think it's an easy issue,  
 8 and it's -- it's not -- it's not a decision I'm making  
 9 lightly by recommending the hearing date be later, as I  
 10 am right now.  
 11 But with all that in mind, Staff did propose  
 12 a procedural schedule over email. It looked like there  
 13 were -- it was more of an outline of a schedule, and  
 14 some of the dates need to be filled in.  
 15 I would turn to Staff. Would it be helpful  
 16 for you to go off the record and discuss this with the  
 17 other parties and at least have -- see if you can have  
 18 some of the parties join you in proposing that?  
 19 MR. CALLAGHAN: Thank you, Your Honor. I  
 20 believe that it would. I just wanted to get  
 21 confirmation before we go off the record, though, that  
 22 the schedule that you're looking for is one that  
 23 incorporates the January 31st evidentiary hearing date;  
 24 is that correct?  
 25 JUDGE HOWARD: That's right.

1 Staff is recommending a first settlement conference on  
 2 June 23rd in the afternoon; a second settlement  
 3 conference on August 16th; response testimony, a date of  
 4 Monday, October 10th.  
 5 Your Honor, you did mention the possibility  
 6 of having a settlement conference hearing date of  
 7 October 24th and 25th. If that is possible, Staff would  
 8 support saving that date in case we do reach settlement.  
 9 Staff would recommend rebuttal and  
 10 cross-answering testimony due December 12th, and as you  
 11 mentioned, Your Honor, an evidentiary hearing  
 12 January 31st.  
 13 JUDGE HOWARD: All right. Thank you. The  
 14 deadline for rebuttal and cross-answering testimony,  
 15 that was December 12th?  
 16 MR. CALLAGHAN: Yes, Your Honor.  
 17 JUDGE HOWARD: All right. So I am aware  
 18 that the Company has proposed its own schedule, and I  
 19 have received that by email. I think after this  
 20 prehearing conference today, I'm going to take a careful  
 21 look at both what Staff is proposing, what the Company  
 22 is proposing, and what the positions of any of the other  
 23 parties are. So I will consider that when I enter the  
 24 order.  
 25 But for now, Ms. Barnett, is there anything

1 you would like to address specifically with Staff's  
 2 proposal?  
 3 MS. BARNETT: Nothing in -- no, Your Honor.  
 4 We simply didn't really engage in the discussions around  
 5 Staff's proposal because PSE just can't support a  
 6 schedule that extends into 2023.  
 7 So thank you for your consideration of that.  
 8 We do support a settlement hearing earlier in twenty --  
 9 before the end of the year, and would just like to  
 10 remind everyone, I guess, that the CEIP has already been  
 11 open for five months. So when we're talking about  
 12 specific settlement dates, it has been some significant  
 13 time that people have already been reviewing this  
 14 proposal.  
 15 So with that, nothing further. Thank you.  
 16 JUDGE HOWARD: All right. Thank you.  
 17 Could I hear from Public Counsel if Public  
 18 Counsel has any specific concerns or thoughts?  
 19 MS. SUETAKE: Thank you, Your Honor. This  
 20 is Nina Suetake, for Public Counsel Unit. We support  
 21 Staff's proposed schedule. The schedule takes into  
 22 consideration the significant staffing, time constraints  
 23 that are happening this year with the two GRCs on top of  
 24 each other, as well as a large Telecom proceeding that  
 25 is happening.

1 Thank you, Your Honor.  
 2 JUDGE HOWARD: Thank you.  
 3 And could I hear from NWEAC and Front and  
 4 Centered?  
 5 MS. GOODIN: Your Honor, Amanda Goodin,  
 6 with -- appearing on behalf of Front and Centered and  
 7 NWEAC. You know, as I think we've put forward already,  
 8 we support a shorter schedule along the lines of what  
 9 PSE has proposed.  
 10 We think that waiting to resolve this until  
 11 a year and a half into the implementation period for the  
 12 four-year plan will significantly prejudice our ability  
 13 to influence the contents of the plan, which, of course,  
 14 is the whole point of being able to challenge it via  
 15 adjudication.  
 16 We did discuss dates with the other parties  
 17 on Staff's schedule. We do agree and are available for  
 18 both of these settlement conference proposed dates, the  
 19 June 23rd and August 16th.  
 20 For response testimony, even if -- even if  
 21 the Commission decides to schedule an evidentiary  
 22 hearing in late January, early February, as I believe we  
 23 suggested, we still see value in an earlier response  
 24 testimony deadline. We would prefer a late August  
 25 response testimony date even if the evidentiary hearing

1 So we would prefer to keep these dates,  
 2 understanding that if PSE's consolidation motion or  
 3 petition for rehearing of that request is granted and  
 4 that we'd have to redo the schedule anyway.  
 5 So given the requirements of what we have  
 6 right now, this is what we would support.  
 7 JUDGE HOWARD: All right. Thank you.  
 8 Could I have AWEC's position?  
 9 MS. MOSER: Yes, Your Honor. Sommer Moser,  
 10 on behalf of AWEC. We support PSE's schedule. We find  
 11 value in an earlier resolution of this CEIP.  
 12 With that said, we did engage in dates. In  
 13 Staff's proposed schedule, they all work for AWEC. So  
 14 there's not a scheduling conflict. But, again, just  
 15 support earlier resolution through PSE's schedule to the  
 16 extent that an earlier hearing date could be  
 17 accommodated.  
 18 JUDGE HOWARD: All right. Thank you.  
 19 Could I hear from The Energy Project?  
 20 MR. FITCH: Thank you, Your Honor. Given  
 21 the desires expressed from the Bench about the schedule,  
 22 we support -- or we have no objection to the general  
 23 outline that's been put forward by Staff. Not every  
 24 single date in the schedule works for us, but we will  
 25 work around the final schedule issued by the Bench.

1 is pushed into 2023.  
 2 We also support the October 24th, 25th  
 3 settlement hearing, scheduling that in case we're able  
 4 to resolve anything.  
 5 And I know, for cross-answering testimony, I  
 6 believe the parties also said they would be available  
 7 for a deadline week of November 14th if the Commission  
 8 decides on an earlier response testimony date, which  
 9 is -- which is something we were not all able to agree  
 10 to.  
 11 JUDGE HOWARD: All right. Thank you.  
 12 And could I hear from Renewable Northwest?  
 13 MS. WARE: Yes. Katie Ware, on behalf of  
 14 Renewable Northwest. We participated in the discussion  
 15 around scheduling conflicts. None of those hard  
 16 conflicts are ours, so we're comfortable with the  
 17 outline Nash provided or the more expedited timeline  
 18 that some of the parties are hoping for. So we will  
 19 accommodate either way.  
 20 JUDGE HOWARD: All right. Thank you.  
 21 One issue that occurs to me right now is  
 22 that the Company's proposed schedule included dates for  
 23 submissions for intervenor funding. And I don't believe  
 24 that Staff's proposed schedule provides for those same  
 25 dates.

1 And under the interim agreement that the  
2 Commission has approved, normally the request for case  
3 certification and notices of intent to seek funding  
4 would be due at the prehearing conference or another  
5 date that the Commission sets.

6 So if -- if we were going to have those  
7 submissions in this case, I would likely address that in  
8 this prehearing conference order.

9 Do any of the intervenors intend to seek  
10 this funding in this case?

11 MS. GOODIN: Front and Centered does, Your  
12 Honor. I am not sure about the Energy Coalition. I  
13 will have to double check. But I know Front and  
14 Centered does.

15 MS. MOSER: Sommer Moser, for AWEC. I think  
16 we're comfortable with whatever dates are set per your  
17 prehearing conference memorandum. I don't think we  
18 anticipate there to be funding available after the rate  
19 case request for the customers representation trust  
20 fund.

21 To the extent there is, I think we'll  
22 evaluate seeking funding at that time. But I think,  
23 without knowing where funding in the rate case is going  
24 to land, it's a little difficult to say what we will  
25 seek or may seek here.

1 JUDGE HOWARD: Thank you. I think that's a  
2 fair point.

3 So I'm going to move on to a couple of other  
4 issues that are related to the procedural schedule. And  
5 as I said, I will take all of this under consideration  
6 when I am writing this order following our conference  
7 today.

8 Turning to the issue of discovery, I want to  
9 be -- I want to caution the parties be judicious in  
10 their use of discovery. This is a case involving a new  
11 type of filing, which overlaps in some respects with the  
12 pending general rate case.

13 Discovery may not be used as a fishing  
14 expedition. If the parties have a discovery dispute,  
15 they should attempt to work those out. But if they  
16 cannot, they should bring any motions to the Commission  
17 for resolution.

18 I also want to address some specific issues  
19 regarding discovery. I don't believe that this was  
20 addressed in either of the proposed schedules from  
21 either the Company or Staff. But would the parties have  
22 any objection to identifying each data request by topic?  
23 Would that be helpful? Would that not be helpful?

24 MR. CALLAGHAN: Staff believes that that  
25 would be helpful. That's a common practice that we've

1 JUDGE HOWARD: All right. Thank you.  
2 Was the court reporter able to catch that?  
3 It was a little quiet.

4 THE COURT REPORTER: Yes, I heard it. Thank  
5 you.

6 JUDGE HOWARD: All right. Thank you.  
7 Would any other party like to address the  
8 issue of intervenor funding? And I recognize AWEC's  
9 comment that we're not certain what the outcome is of  
10 the proposed budgets and the amounts approved by the  
11 Commission in the other docket. So this might be  
12 something too that requires some evaluation later by the  
13 parties. But would anyone else like to address this  
14 issue?

15 MS. GOODIN: I guess I would just flag that,  
16 you know, there are parties, and, you know, Front and  
17 Centered has signaled its intent to seek funding in this  
18 docket and did signal that intent in their submission in  
19 the rate case as well, which is quite modest.

20 And I would hope the Commission would take  
21 that into account in making decisions in that docket,  
22 you know, assuming the Commission keeps these separate,  
23 you know, to not -- to not let this docket go begging  
24 just because the timeline for the rate case is more  
25 accelerated.

1 implemented in -- in GRCs in recent years.

2 MS. SUETAKE: Public Counsel has no  
3 objection.

4 MR. FFITCH: Any support staff is a very  
5 helpful practice.

6 JUDGE HOWARD: All right. I would -- I  
7 would intend to include that requirement in the  
8 prehearing conference order in that case, unless there  
9 are any further -- any other party would like to  
10 indicate an objection to that.

11 All right. Hearing none.

12 And, again, I don't believe that this was  
13 addressed in the proposed schedule, but would the  
14 parties want to shorten the response time for data  
15 requests after a certain point in the proceeding?

16 I would turn first to the Company for -- for  
17 their proposed schedule.

18 MS. BARNETT: We have no objection to  
19 shortening it in -- along the lines as with a general  
20 rate case. We're used to that. So no objection here.

21 JUDGE HOWARD: All right. I would turn to  
22 Staff.

23 MR. CALLAGHAN: No objection, Your Honor.

24 JUDGE HOWARD: Would any other party have  
25 any concerns or objections to that proposal?

1 All right. Hearing none.  
 2 And we also commonly include a requirement  
 3 that the parties -- that any data requests and responses  
 4 are shared with every other party to the proceeding, and  
 5 we would include such a requirement in the prehearing  
 6 conference order.  
 7 Is there any objection from any of the  
 8 parties to including such a requirement in this order?  
 9 MS. BARNETT: No objection.  
 10 JUDGE HOWARD: All right. Thank you.  
 11 Hearing no objections, I would plan to include that.  
 12 I did note that there does not appear to be  
 13 a protective order in this docket. Am I correct with  
 14 that, Ms. Barnett?  
 15 MS. BARNETT: That's correct. We haven't  
 16 moved for that, but probably appropriate for a standard  
 17 protective order.  
 18 JUDGE HOWARD: Will the -- does the Company  
 19 intend to move for that?  
 20 MS. BARNETT: I hadn't -- we hadn't  
 21 discussed that, honestly, but the -- but I do probably  
 22 anticipate there will be confidential information  
 23 requested. So I move -- I think it's appropriate we  
 24 move for that now.  
 25 JUDGE HOWARD: All right. I would take that

1 that will be memorialized in the prehearing conference  
 2 order.  
 3 Also, the Commission's rules provide for  
 4 electronic service of documents. The Commission will  
 5 serve the parties electronically and the parties will  
 6 serve each other electronically.  
 7 If any party has not yet designated a lead  
 8 representative for service, please do so via an email to  
 9 me as soon as possible. My email is  
 10 Michael.Howard@utc.wa.gov.  
 11 Also, if anyone would like to add names and  
 12 email addresses of other representatives or support  
 13 staff who should receive electronic courtesy copies of  
 14 all documents filed in this proceeding, please email  
 15 that to us as well.  
 16 And finally, there is the issue of errata  
 17 sheets. And I am not certain if that was addressed in  
 18 the proposed schedule from either the Company or Staff.  
 19 We typically set this for a week prior to the  
 20 evidentiary hearing.  
 21 Are there any objections to including such a  
 22 requirement in this prehearing conference order?  
 23 MR. CALLAGHAN: No objection, Your Honor.  
 24 MS. BARNETT: None from the Company.  
 25 MS. SUETAKE: None from Public Counsel.

1 as your oral motion for a protective order.  
 2 MS. BARNETT: Yeah.  
 3 JUDGE HOWARD: And I -- are there any  
 4 responses from any of the parties?  
 5 MR. CALLAGHAN: No objection from Staff,  
 6 Your Honor.  
 7 MS. SUETAKE: No objection from Public  
 8 Counsel.  
 9 JUDGE HOWARD: All right. Thank you. I  
 10 would grant PSE's motion for a protective order. And I  
 11 am construing that as simply requesting a protective  
 12 order with our normal protections for confidential  
 13 information; is that correct?  
 14 MS. BARNETT: Correct, yeah. Standard  
 15 protective will be fine. If we find we are requesting  
 16 highly confidential, we will move for a protective order  
 17 for highly protective provisions at that time.  
 18 JUDGE HOWARD: All right. Okay. I just  
 19 have a few minor issues to touch on before we adjourn  
 20 today.  
 21 So in terms of electronic filing and  
 22 electronic service, the Commission requires electronic  
 23 filing of documents for formal filing. We are  
 24 continuing to suspend the requirements for paper copies  
 25 and documents in light of the COVID-19 pandemic, and

1 JUDGE HOWARD: All right. Hearing no  
 2 objections, I will plan on including such a requirement.  
 3 Is there anything else that we should  
 4 address today before we adjourn?  
 5 MS. BARNETT: I would like to add, I think  
 6 we've asked for it in the notice of appearance, but if  
 7 you could add PSEDRS@perkinscoie.com for a courtesy  
 8 service, I would appreciate that. But nothing further  
 9 from PSE.  
 10 JUDGE HOWARD: All right. Thank you. And I  
 11 have made a note of that courtesy service address.  
 12 MS. BARNETT: Thank you.  
 13 JUDGE HOWARD: Anything else from any of the  
 14 parties that we should address?  
 15 MS. GOODIN: Your Honor, I neglected to  
 16 raise this with the other parties in our informal  
 17 discussion, and that was my oversight, but I don't  
 18 believe we have a date for a public comment hearing as  
 19 part of the proposed schedule. And we do feel strongly  
 20 that there be at least one, and perhaps two public  
 21 comment hearings. Perhaps one in the evening and one  
 22 during the day.  
 23 We are happy to discuss offline dates that  
 24 would work for that, but we feel that is an important  
 25 part of the schedule.



1 JUDGE HOWARD: I agree and -- that there  
2 should be a public comment hearing in this case. I did  
3 see that in Staff's proposed schedule, it's a to be  
4 determined date, and we frequently will note that so  
5 that Public Counsel and Staff and the other parties work  
6 out a public comment hearing date and they schedule that  
7 with the -- based on the Commissioners' availability.

8 Were there -- I believe there was a  
9 concern -- in Front and Centered's earlier comments, I  
10 believe there was a concern that it should be held  
11 sometime in the summer; am I right?

12 MS. GOODIN: Your Honor, that was when we  
13 were still looking at the possibility of consolidation.  
14 I don't think that we are wed to a specific date, but we  
15 want to make sure we -- that it happens early enough for  
16 parties and for the Commission to have the positions  
17 informed by -- by that hearing.

18 And I would just also note for the  
19 Commission and for other parties, we do plan to ask PSE  
20 to consult with its advisory groups, especially  
21 including its Equity Advisory Group, on any significant  
22 settlement proposal or developments in this docket,  
23 given their major role in the development of the CEIP.

24 JUDGE HOWARD: All right. I will have to  
25 consider that last point. I'm not sure if that's within

1 help define these, and we don't -- we would like to see  
2 them consult with that committee before kind of  
3 finalizing any significant change in direction that  
4 would implicate work that they did on this document.

5 So we don't have a fully fleshed out  
6 proposal for what that would look like, and we do  
7 understand the confidentiality constraints. And I don't  
8 think we were envisioning having the entire advisory  
9 committee be part of the negotiation process, for  
10 example, but we would like to talk with the Company and  
11 other parties about how to make that possible.

12 JUDGE HOWARD: Ms. Barnett, would you like  
13 to respond to that?

14 MS. BARNETT: No, I support having those  
15 discussions and -- in line with the confidentiality  
16 rules. And PSE has been keeping the EAG up to date so  
17 far. So I'm sure we don't have any objection to  
18 continuing that within the -- everyone's expectations  
19 and understanding.

20 JUDGE HOWARD: All right. Thank you all. I  
21 think that in terms of -- I'm -- I may not include that  
22 as any sort of instruction or requirement in the  
23 prehearing conference order, but it does sound that that  
24 is the Company's practice at the present time, and they  
25 do have to -- I imagine that there is some balancing of

1 the scope of my prehearing conference order, but that  
2 is -- that is a valid point to consider.

3 Ms. Suetake, would you like to address  
4 anything about the public comment hearing?

5 MS. SUETAKE: Yes, Your Honor. I agree  
6 with -- with counsel for NWEAC and Front and Centered  
7 that we should have public comment hearings. I guess  
8 I'm open to just leaving it TBD for now, to give us more  
9 time off the record to determine what date would be best  
10 for everybody. And we'd also support having a daytime  
11 hearing if the parties think that that would be more  
12 helpful to people actually intervening.

13 Also, with regard to settlement, sharing  
14 with the EAG, I was curious if -- if counsel intended it  
15 to be part of the negotiation of settlement or once the  
16 settlement has been reached because there are settlement  
17 confidentiality rules. And so I was kind of hoping for  
18 some clarification there.

19 MS. GOODIN: Yes, thank you. We understand  
20 there are confidentiality constraints that we would all  
21 have to take into consideration. I guess our -- our  
22 main feeling is that, you know, it's the first major  
23 document to implement equity mandates that are new under  
24 Washington law.

25 PSE did turn to an advisory committee to

1 these concerns with the confidentiality of negotiations.

2 Is there anything else we should address  
3 before we adjourn?

4 MS. SUETAKE: Your Honor, this is Nina  
5 Suetake from Public Counsel Unit. I -- I am concerned  
6 about not putting that in an order because it would be  
7 new to have settlement -- items that have been discussed  
8 in settlement, you know, disclosed to additional  
9 parties. I feel like that we should be given guidance  
10 in the form of the order there.

11 I do not object to sharing that sort of  
12 information with the Equity Advisory Group. I think  
13 that's a good idea. I just want to make sure that the  
14 actual content of negotiations or -- because none of  
15 those settlements are final until they are filed. They  
16 all constitute negotiation positions up until the point  
17 they're filed. So I think it would be more helpful to  
18 have that in an order.

19 MS. BARNETT: And, Your Honor, I think this  
20 is probably opening it up to I think more than -- than  
21 we anticipated to discuss at the prehearing conference.  
22 I think, to the extent that the parties have differing  
23 understandings of what is going to be confidential for  
24 settlement and what isn't, that this -- this probably be  
25 not put on the -- in the order.

1 I think, as far as public information and  
2 certainly through a public comment hearing and anything  
3 that's in the document is public, I don't see how  
4 specific conversations with the EAG is -- is going to go  
5 in light of the settlement rules.

6 So I guess, you know, I have no problem with  
7 sharing public information, but to the extent there's  
8 specific discussions with the EAG, I don't know how that  
9 would go. So I'm a little concerned.

10 JUDGE HOWARD: Yes, I would take -- I  
11 would -- I'm understanding Public Counsel's concern  
12 about the information PSE is taking and then describing  
13 to the EAG members because that implicates the  
14 confidentiality of negotiations, if I'm understanding  
15 that right.

16 And I think that is -- I mean, it's -- it's  
17 the -- the interests of having that participation and  
18 that input on those equity issues against the  
19 countervailing interests of -- of protecting the  
20 negotiation process and allowing that to work.

21 And I am going to take Public Counsel's  
22 point here about guidance in the order under  
23 consideration, and I'm going to give that some thought.  
24 I'm not really sure how I will precisely address it.  
25 But it is -- it is an interesting issue to address, and

1 CERTIFICATE

2  
3 STATE OF WASHINGTON  
4 COUNTY OF THURSTON  
5

6 I, Tayler Garlinghouse, a Certified Shorthand  
7 Reporter in and for the State of Washington, do hereby  
8 certify that the foregoing transcript is true and  
9 accurate to the best of my knowledge, skill and ability.



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13 Tayler Garlinghouse  
14 Tayler Garlinghouse, CCR 3358  
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1 we will possibly comment on that.

2 All right. Anything else before we adjourn?

3 Hearing nothing further, I will issue an  
4 order shortly containing the procedural schedule and  
5 other guidelines for the disposition of this case. We  
6 are adjourned. Thank you.

7 (Adjourned at 11:05 a.m.)  
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